

### **REMARKS**

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments may isolate issues for potential allowance or appeal. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

#### **Summary**

Claims 1, 3-7, 9-11, 13-17, 19, 20, 22, 24-32 and 34-41 stand in this application. Claims 1, 11, 22 and 32 are currently amended. No new matter has been added. Support for the current amendments can be found at least at Applicant's specification page 16, lines 12-19, page 18, lines 9-16, Figure 4B, Figure 4C and Figure 4D. Favorable reconsideration and allowance of the standing claims are respectfully requested.

#### **35 U.S.C. § 103**

At page 2, paragraph 3 claims 1, 3-7, 9-11, 13-17, 19, 20, 22, 24-32 and 34-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dyszel (Handspring Visor for Dummies) in view of Microsoft Windows Version 5.1 (hereinafter "Windows"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish

a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1, 3-7, 9-11, 13-17, 19, 20, 22, 24-32 and 34-41. Therefore claims 1, 3-7, 9-11, 13-17, 19, 20, 22, 24-32 and 34-41 define over Dyszel and Windows whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

displaying a first weekly view graphical image on an effective display area of a display screen, said display screen including an active input area;  
collapsing said active input area for said display screen to enlarge said effective display area of said display screen;  
displaying a second weekly view graphical image on said enlarged effective display area of said display screen.

As correctly noted in the Office Action, the above-recited language is not disclosed by Dyszel. According to the Office Action, the missing language is disclosed by Windows at screenshots 7 and 8. Applicant respectfully disagrees.

Applicant respectfully submits that Windows does not teach or fairly suggest the language cited above. The Office Action cites screenshots 7 and 8 of Windows which shows a Windows desktop (screenshot 7) and an open document window (screenshot 8). By way of contrast, the claimed subject matter discloses “displaying a first weekly view graphical image on an effective display area of a display screen, said display screen including an active input area; collapsing said active input area for said display screen to enlarge said effective display area of said display screen; displaying a second weekly view graphical image on said enlarged effective display area of said display screen.” Windows clearly fails to teach or fairly suggest a first and second weekly view graphical image. Moreover, Windows fails to teach or fairly suggest the use of a second weekly view graphical image on an enlarged effective display area. Therefore, Windows fails to disclose, teach or suggest the missing language.

Applicant respectfully submits that Dyszel also fails to teach or suggest the above-cited language from claim 1. For example, Dyszel at Figure 1-2 arguably discloses a display screen and a “graffiti writing area.” Dyszel also discloses a single week view at Figure 8-3. Dyszel, however, fails to disclose “collapsing said active input area for said display screen to enlarge said effective display area of said display screen; displaying a second weekly view graphical image on said enlarged effective display area of said display screen.” Consequently, the Dyszel and Windows, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claims 3-7, 9 and 10 is

respectfully requested. Claims 3-7, 9 and 10 also are non-obvious and patentable over Dyszel and Windows, taken alone or in combination, at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claims 11, 22 and 32 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 11, 22 and 32 are non-obvious and patentable over Dyszel and Windows for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 11, 22 and 32. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 13-17, 19, 20, 24-31 and 34-41 that depend from claims 11, 22 and 32, and therefore contain additional features that further distinguish these claims from the cited references.

At page 5, claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dyszel in view of Windows. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claim 6. Therefore claim 6 defines over Dyszel and Windows whether taken alone or in combination. For example, claim 6 recites the following language, in relevant part:

said display screen is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.

As correctly noted in the Office Action, the above-recited language is not disclosed by Dyszel. According to the Office Action, the missing language is disclosed by Windows at screenshots 5 and 6. Applicant respectfully disagrees.

Applicant respectfully submits that Windows does not teach or fairly suggest the language cited above. The Office Action states that screenshots 5 and 6 of Windows show the transition of a display screen between a substantially square display mode and a substantially rectangular display mode. Applicant respectfully disagrees. Screenshots 5 and 6 of Windows merely show the manipulation of a window that is depicted on a display screen. The display screen shown in screenshots 5 and 6 of Windows clearly remains in a single display mode that comprises the same rectangular shape. Only a window within the display screen is manipulated to change shape. By way of contrast, the claimed subject matter discloses a display screen that “is switchable between a small display mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.” This is further illustrated by Figures 3A and 3B of Applicant’s specification.

Examiner argues at pages 13 and 14 of the Office Action that a window shown within a display screen is the same as a display screen. Applicant respectfully disagrees. Applicant argues that the display screen shown within screenshots 5 and 6 of Windows remains in the same display mode or shape regardless of what is displayed on the screen. Examiner also argues that the claim limitation “does not explicitly recite that the display screen itself is switched from being physically displayed substantially square in shape to being displayed substantially rectangular in shape.” Applicant respectfully submits that claim 6 clearly recites that the “display screen is switchable between a small display

mode which is substantially square in shape and a tall display mode which is substantially rectangular in shape.” Therefore, Windows fails to disclose, teach or suggest the missing language. Consequently, the Dyszel and Windows, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 6.

Claims 16, 27 and 37 recite features similar to those recited in claim 6. Therefore, Applicant respectfully submits that claims 16, 27 and 37 are non-obvious and patentable over Dyszel and Windows for reasons analogous to those presented with respect to claim 6. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 16, 27 and 37.

### **Conclusion**

For at least the above reasons, Applicant submits that claims 1, 3-7, 9-11, 13-17, 19, 20, 22, 24-32 and 34-41 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action’s rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to

be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 3-7, 9-11, 13-17, 19, 20, 22, 24-32 and 34-41 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



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Robert V. Racunas, Reg. No. 43,027  
Under 37 CFR 1.34(a)

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